

YEAS—Senators Ball, Blassingame, Ford, Henry J. R., Henry F. M., Martin, McCormick, Motley, Piner, Ripetoe, Smith—11.

NAYS—Senators Brady, Burton Carroll, Crain, Edwards, Francis, Grace, Guy, Hobby, Ledbetter, McLeary, Moore, Stephens, Storey, Wortham—15.

NOT VOTING—Senators Brown, Douglass, McCulloch, Terrell, Thompson—5.

Senator Smith moved a call of the Senate.

Call sustained.

ABSENT—Senators Brown, Douglass, McCulloch, Terrell—4.

Senator Crain moved to suspend the call.

Lost.

On motion of Senator Brady, the Senate adjourned until to-morrow morning at 10 o'clock, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Henry J. R., Henry F. M., Martin, McCormick, Motley, Piner, Ripetoe, Smith, Wortham—14.

NAYS—Senators Crain, Francis, Ford, Grace, Guy, Hobby, Ledbetter, McLeary, Moore, Stephens, Storey, Thompson—12.

NOT VOTING—Senators Brown, Douglass, Edwards, McCulloch, Terrell—5.

FORTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 8, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by Rev. Mr. Stanton, Chaplain of the House.

On motion of Senator Crain, the reading of the journal of yesterday was dispensed with and the same adopted.

On motion of Senator Edwards, Senator Douglass was excused for several days, in consequence of necessary absence.

Senator McLeary presented the petition of Cassimira Herrera de Muruin, widowed daughter of Pedro Herrera, a deceased soldier of the Texas Revolution, and participator in the battle of San Jacinto, stating that she is an only child and very poor and needy, with three dependent children to support; that her father died without receiving a pension, and asking that she be granted the amount that would be due her said father if he were now living.

Read and referred to Committee on State Affairs.

The President signed, after publicly reading its caption, Senate Bill No. 168, "An Act to make an appropriation to supply a deficiency in the appropriation of postage to be used in the office of the Secretary of State, for the fiscal year, ending August 31, 1876."

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 104, "An Act to regulate fees in examining courts," and I am instructed by the committee to report the bill back to the Senate with a substitute therefor, entitled, "An Act to regulate fees of committing

magistrates and Sheriffs in committing courts," with the recommendation that the substitute do not pass. STOREY, *Chairman*.

Senator McLeary, Chairman of the Committee on State Affairs, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 127, entitled, "An Act to repeal Section 6 of an act approved March 10, 1875, and entitled, 'An Act to encourage the construction of canals and ditches, for navigation and irrigation,'" have had the same under consideration, and instruct me to report the bill back to the Senate with the recommendation that it do not pass, as it is amply provided for in Senate Bill No. 179, reported by the committee this day.

McLEARY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 179, entitled, "An Act to encourage irrigation and navigation," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend its passage.

McLEARY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 238, entitled, "An Act to provide for the employment of an oculist, in certain cases, for the treatment of the pupils in the Blind Asylum," have had the same under consideration, and instruct me to report the bill back to the Senate and recommend its passage.

McLEARY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 93, entitled, "An Act to enable the qualified voters of any county, Justice's precinct, town or city in the State, to determine by a majority vote whether or not the sale of intoxicating liquors shall be prohibited within the limits of such county, Justice's precinct, town or city," have had the same under consideration, and instruct me to report the bill back to the Senate, with the recommendation that it do not pass, as it is provided for in House Bill No. 88, now pending before this body.

McLEARY, *Chairman*.

Senator Edwards, for the majority of the Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

A majority of your Committee on State Affairs, to whom was referred House Bill No. 88, entitled, "An Act to prohibit the sale, exchange or gift of intoxicating liquors in any county, Justice's precinct, city or town in this State, that may so select; prescribing the mode of election, and affixing a punishment for its violation," have had the same under consideration, and instruct me to report the bill back to the Senate, with the following amendments, and recommend its passage as amended:

1. Add to Section 1, "and provided, further, that nothing in this act contained, shall be construed to prohibit the sale or giving away of any vinous or malt liquors, wine, beer or cider."

In Section 1, line 5, strike out the words, "fifty citizens," and insert, "one hundred qualified voters."

In Section 1, line 7, strike out, "twenty citizens," and insert, "fifty qualified voters."

In Section 1, line 7, insert before the words, "town or city," the word, "incorporated."

In Section 2, line 1, strike out the word, "endorse," and insert, "have written or printed."

In Section 3, line 5, strike out the word, "poll," and insert, "return."

In Section 3, line 12, strike out the words, "for the purposes specified," and insert, "as provided."

In Section 3, line 17, strike out the word, "decided," and insert, "decide."

Add to the end of Section 3: "To take effect forty days after date."

In Section 4, line 5, strike out all after the word, "therein."

In Section 4, line 4, strike out the words, "twelve months," and insert, "two years."

Strike out Section 6.

EDWARDS, *for Committee.*

Senators Blassingame and Grace submitted the following minority report from the Committee on State Affairs:

Hon. R. B. Hubbard, President of the Senate:

A minority of your Committee on State Affairs, to whom was referred House bill No. 88, entitled, "An Act to prohibit the sale, exchange or gift of intoxicating liquors in any county, Justice's precinct, city or town in this State, that may so elect; prescribing the mode of election, and affixing a punishment for its violation," beg leave to report that they do not agree with the majority of the Committee, and would respectfully recommend the passage of the bill, without any amendments whatever.

BLASSINGAME,

GRACE,

Minority of Committee.

Senator Blassingame, from the Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate Bill No. 224, entitled, "An Act to punish drunkenness," have had the same under consideration, and instruct me to report the bill back to the Senate with the following amendments, and recommend its passage as amended:

In Section 1, line 5, strike out the words, "or private."

In Section 1, line 10, strike out the words, "less than five nor."

BLASSINGAME, *for Committee.*

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared, and find correctly enrolled Senate Bill No. 168, entitled, "An Act to make an appropriation to supply a deficiency in the appropriation for postage to be used in the office of the Secretary of State, for the fiscal year ending August 31, 1876. The same has been properly signed and

presented to the Governor this day at 10:10 o'clock A. M., for his approval.

GRACE, *Chairman.*

Senator Francis, Chairman of the Committee on Asylums, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Asylums instruct me to make the following report:

That they have visited and made a thorough inspection of the Institute for the Blind, and carefully inquired into its control and management by Superintendent Frank Rainey.

We found the most perfect order existing in all of its departments, and a degree of harmony and cheerfulness on the part of the inmates that is seldom met with in the best regulated households, all of which speak in the highest praise for the kind and efficient discipline that is exercised over these unfortunate children.

The various departments, devoid of any ostentatious show, are models of the most perfect neatness and cleanliness; system and order coupled with economy, are marked features connected with the management of this Institution.

Many of the pupils are making good progress in their studies, a number of whom possess a fine talent for music. A too high estimate can not be placed upon this department as a future means of support for the blind. Your committee have no hesitancy in recommending that a liberal donation be made for the purchase of musical instruments to meet the existing wants of the Institution. Others have acquired considerable skill in the manufacture of brooms, mattresses, and bottoming of chairs, but owing to the want of a suitable work-shop, this department can only be operated to a sufficient extent to demonstrate the practicability and necessity for the early construction of suitable buildings for these mechanical pursuits.

The grounds connected with the Asylum are ample and beautifully shaded with native forest trees, well kept, but are deficient in walks for the necessary exercise of the inmates; a small appropriation would construct a walk inside the enclosure that would fully meet this requirement, and greatly add to the health and comfort of the pupils.

Your Committee find that additional buildings will be necessary for the increased number of probable applicants for admission during the present year, as appears from the Superintendent's report. Your committee are of the opinion that nothing calls more loudly upon the charity of the State than the wants of the unfortunate blind, and that ample provision should be made for their education, whereby they may become capable of earning a subsistence and becoming useful members of society.

Your committee feel it to be their duty, in justice to Drs. Manning and Josepthal, oculists to the Institute, to state that through their skill and treatment quite a number who were totally blind have been entirely relieved, and others greatly benefitted. The small appropriation made by the Fourteenth Legislature has been amply repaid, and we are of the opinion that the services of an oculist should be secured for the present year, when recommended by the Superintendent. The following estimates for buildings, furniture, musical instruments, etc., have been submitted by Superintendent Frank Rainey, and your committee recom-

mend its favorable consideration by the Senate: For the erection of one two-story building, 50x65 feet, to be used for dormitory work, hospital, kitchen, etc., \$6,500; furniture for same, \$500; one stable and barn, \$500; three pianos, \$1,200; one cistern and guttering on roof of main building, \$300; making graveled walk around inclosure, \$500; books, raised print, telegraph apparatus, etc., \$500; two sewing machines to be used in teaching blind how to sew, \$100; for water closets and building for fowls, \$200; total, \$10,300. Your committee recommend that the appropriation asked for be made. FRANCIS, *Chairman*.

Senator Thompson introduced a bill entitled: "An Act to prescribe the time in which certain suits shall be commenced.

Read by caption and referred to Judiciary Committee No. 1.

Senator Storey introduced "An Act to amend Article 382 of the criminal code."

Read by caption and referred to Judiciary Committee No. 1.

Senator McLeary introduced a bill entitled: "An Act to amend Section 1 of 'An Act for the protection of the wool growing interest of the State,' approved May 2, 1874.

Read by caption and referred to Committee on State Affairs.

Senator Smith offered the following resolution:

Resolved, That Rule 13 be so amended as hereafter to read as follows:

RULE 13. The President shall then call:

First—For petitions and memorials.

Second—For reports from standing committees.

Third—For reports from select committees.

Fourth—For bills and resolutions.

Fifth—For House Bills for reference to appropriate committees, when reference is necessary.

Sixth—For unfinished business.

Seventh—For bills on second reading.

Eighth—For bills on third reading.

Ninth—For bills reported from committees.

Tenth—For special orders.

Eleventh—For business on table.

These shall be disposed of in the order in which they are presented, unless otherwise directed by the Senate.

On motion of Senator Smith, the rules were suspended, and his resolution first offered was taken up and adopted.

On motion of Senator Crain, the rules were suspended, and Senate Bill No. 103, "An Act to better define the duties of Sheriffs and other officers," was taken up and read second time.

Senator Guy in the chair.

Senator Piner offered a substitute for Senate Bill No. 103, entitled, "An Act authorizing the Governor to use the battallion now in the frontier service in aid of the civil authorities for the suppression of crime," which was read.

President in the chair.

Senator Moore moved to lay the substitute offered by Senator Piner on the table.

President *pro tem*. in the chair.

The substitute of Senator Piner tabled by the following vote:

YEAS—Senators Brady, Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Guy, Henry F. M., Hobby, Ledbetter, Martin, McLeary, Mc-

Cormick, McCulloch, Moore, Motley, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—24.

NAYS—Senators Ball, Blassingame, Henry J. R., Piner, Smith, Grace—6.

Senator Brady offered the following amendment:

Amend Section 12 by inserting after the word "trial," in line 10, the words, "and the Sheriff shall be paid by the State the actual expenses of conveying the prisoner from the place where he was arrested to the jail of the county where the crime was committed."

Adopted.

Senator Terrell offered the following resolution:

Resolved, That on and after Monday next the daily sessions of this Senate shall begin at 2:30 P. M., and continue as long as necessary, and that all committees meet in the forenoon.

Senator Smith moved to strike out, "2:30 P. M.," and insert, "12 o'clock M."

Lost.

Pending the further consideration of this resolution, on motion of Senator Smith, the Senate adjourned until 10 o'clock A. M., to-morrow, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Francis, Ford, Guy, Henry F. M., Hobby, Ledbetter, Martin, McCormick, Piner, Ripetoe, Smith, Stephens, Storey—19.

NAYS—Senators Crain, Edwards, Grace, Henry J. R., McLeary, McCulloch, Moore, Terrell, Thompson, Wortham—10.

NOT VOTING—Senator Motley—1.

FORTY-FIFTH DAY.

SENATE CHAMBER,
ANSTIN, TEXAS, June 9, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

The journals of yesterday were adopted.

Senator Martin, Chairman of the Committee on Agricultural Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred Senate Bill No. 225, "An Act to protect growing and ungathered crops from execution," have had the same under consideration, and recommend that it do not pass, as the law now in force on that subject is amply sufficient.

MARTIN, *Chairman.*

The President signed House Joint Resolution No. 23, "Validating the election for County Treasurers and County Surveyors, held on the fifteenth day of February, 1866," calling the attention of the Senate to the fact of his signing the same.

Senator Piner, Chairman of the Committee on Judiciary No. 2, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary No. 2, to whom was referred Senate Bill No. 2, entitled, "An Act to organize the County Courts and define